

Comments 5/2/14

City of Portland
Development Review Application
Planning Division Transmittal Form

Application Number: 2014-043 **Application Date:** 04/07/2014
CBL: 322 A008001 **Application Type:** Level III Site Plan Under 50,000 sq f
Applicant: AT & T Mobility / New Cingular Wireless PCS, LLC
Project Name: Telecommunications Facility
Address: 636 RIVERSIDE ST
Project Description: 120' telecommunications tower "monpole"; wireless telecommunication antenna panels, radio electronics equipment installed in a pre-fabricated 11'5" x 16' shelter, a diesel generator, running coaxial cables from the antennas to the equipment shelter.

Zoning:

I-H

Other Required Reviews:		
<input type="checkbox"/> Traffic Movement	<input type="checkbox"/> 14-403 Streets	<input type="checkbox"/> Housing Replacement
<input type="checkbox"/> Storm Water	# Units _____	<input type="checkbox"/> Historic Preservation
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Flood Plain	<input checked="" type="checkbox"/> Other: Administrative Authorization
# Lots _____	<input type="checkbox"/> Shoreland	
<input type="checkbox"/> Site Location	<input type="checkbox"/> Design Review	
# Unit _____		

Distribution List:

Planner	Jean Fraser	Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Nennifer Thompson
Civil Engineer	David Senus	Sanitary Sewer	John Emerson
Fire Department	Chris Pirone	Inspections	Tammy Munson
City Arborist	Jeff Tarling	Historic Preservation	Deb Andrews
Engineering	David Margolis-Pineo	DRC Coordinator	Phil DiPierro
		Outside Agency	

Comments needed by 4/17/2014

MEMORANDUM

To: FILE

From: Jean Fraser

Subject: Application ID: 2014-043

Date: 5/2/2014

Comments Submitted by: Marge Schmuckal/Zoning on 5/2/2014

This project is located in an I-H Zone. Although communication towers are not specifically listed in the I-H zone, I have determined that such a use can be allowed under the "Low-impact Industrial use" category. The height issue for a monopole was previously heard before the ZBA in 1996. The ZBA ruled that a "monopole" was not a "structure" and was not bound by the height requirement for the underlying zone. There is also additional evidence under section 14-430(a) that can allow such a use to be higher than the underlying zone requirement.

This project is meeting the underlying I-H zone requirements. Of course a separate building permit is required after the site plan review approval.

Marge Schmuckal
Zoning Administrator

EXHIBIT 3

PROJECT NARRATIVE

PROPOSAL TO CONSTRUCT A TELECOMMUNICATIONS FACILITY AT 636 RIVERSIDE STREET, PORTLAND, ME

In order to meet the radio frequency coverage objectives in the City of Portland, applicant New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, LLC (“AT&T”) submits this proposal to construct a telecommunications facility at 636 Riverside Street, Portland, Maine.

AT&T’s proposal consists of a 20’ wide access/utility easement from Riverside Street to access the compound site location. The 90’ by 90’ gravel compound will be surrounded by a 7’ high chain link fence with 1’ of barbed wire. The proposal will consist of five elements contained within the compound; 1) a 120’ telecommunications tower (“monopole”); 2) wireless telecommunication antenna panels; 3) radio electronics equipment installed in a pre-fabricated 11’5” x 16’ shelter; 4) a Diesel Generator; and 5) the running of coaxial cables from the antennas to the equipment shelter. These elements are briefly described below.

Monopole. The proposed telecommunications monopole will be 120’ in height as shown in *Exhibit 4: Site Plans*.

Antennas. Twelve panel type antennas (four per sector) would be mounted at the 115’ level of the proposed 120’ monopole tower. *See Exhibit 4: Site Plans and Exhibit 13: Antenna Specifications.*

Equipment Shelter. The proposed equipment shelter will be installed on a concrete pad near the base of the proposed structure, and will be designed to house the facility’s power and transmission equipment. The Shelter will measure 11’5” by 16’ and is approximately 10’ tall. *See Exhibit 15: Equipment Shelter Specifications.*

Diesel Generator. An 50KW Diesel Generator will be positioned on a 4’ by 8’ concrete pad and will be used for back-up power. This concrete pad will be placed approximately 4’ from the proposed Equipment Shelter. *See Exhibit 14: Diesel Generator Specifications.*

Cables. The antennas will be connected to the equipment shelter by coaxial cables that will run down the proposed monopole. These cables will cross a cable bridge and into the equipment shelter where they are connected to the radio transmitters and receivers housed inside the shelter. *See Exhibit 4: Site Plans.*

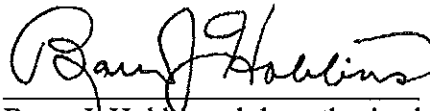
Prior to construction, applicant will, if required, comply with the regulations of the Federal Aviation Administration (“FAA”). It is highly unlikely that the FAA will require any

obstruction marking or lighting since the top of the antennas will be less than two hundred feet high.

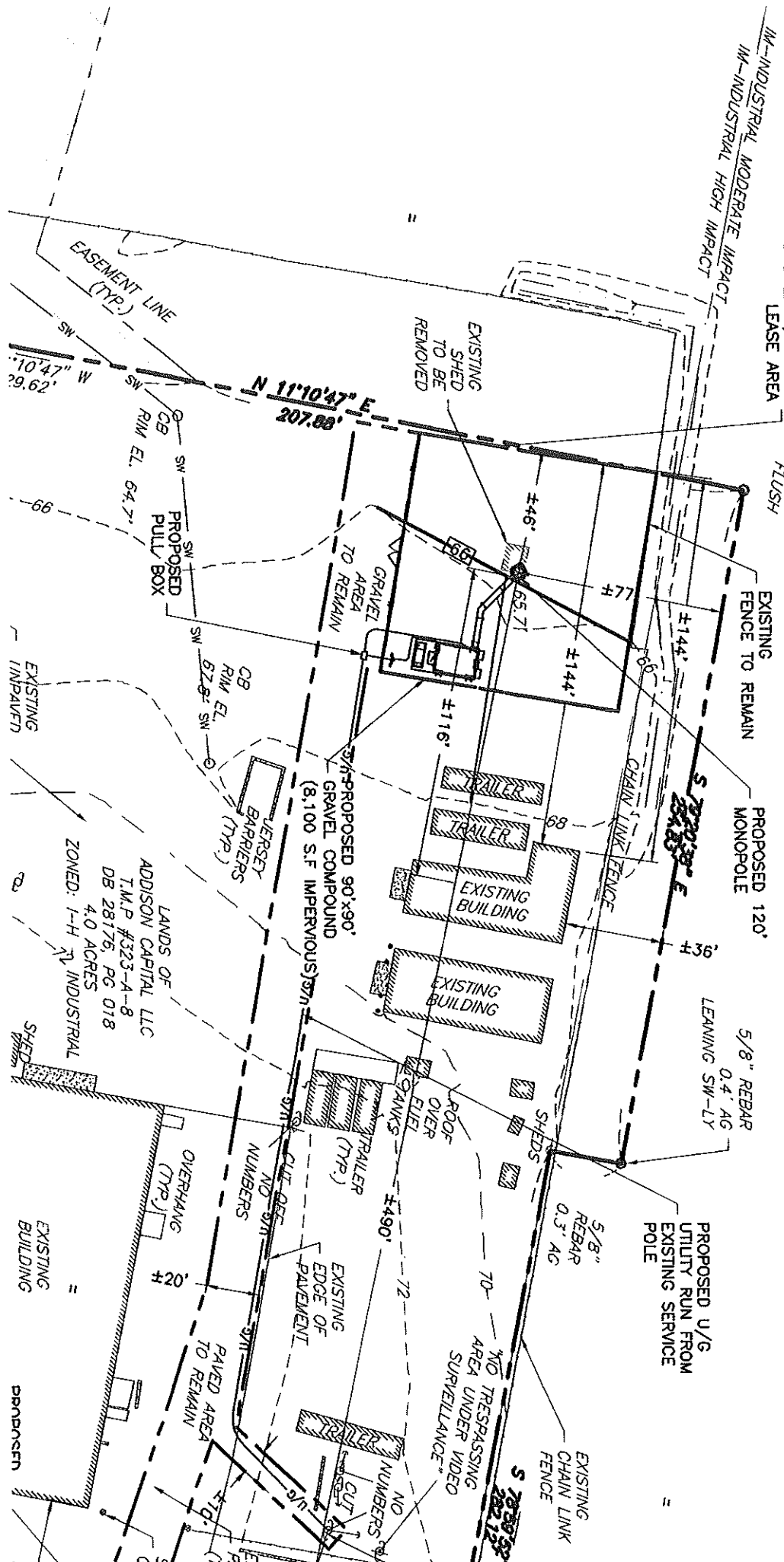
The telecommunications facility will produce minimal noise from a small fan to cool the power equipment in the equipment shelter, and would be similar to the sounds made by a small residential room air conditioner. The facility will not produce any other noise, or any dirt, dust, glare, odor, fumes, smoke, gas, sewage, refuse, vibration or danger of explosion or fire and will therefore not be detrimental or offensive to the surrounding area; nor will the facility pose any hazard to health or safety.

Once installed, the facility will be unmanned. Thus, other than periodic inspections and maintenance, applicants anticipate that the facility will generate no vehicular or pedestrian traffic. Applicant currently estimate that routine maintenance inspections will be conducted not more frequently than one or twice a week.

As proposed, the telecommunications facility will comply in all respects with all federal, state and local regulations concerning radio frequency emissions.



Barry J. Hobbins, duly authorized
Agent for Applicant
New Cingular Wireless PCS, LLC



IM-INDUSTRIAL MODERATE IMPACT
 IM-INDUSTRIAL HIGH IMPACT

LEASE AREA

FLUSH

EXISTING FENCE TO REMAIN

PROPOSED 120' MONOPOLE

5/8" REBAR
 0.4' AG
 LEANING SW-LY

PROPOSED U/G UTILITY RUN FROM EXISTING SERVICE POLE

EXISTING CHAIN LINK FENCE

EXISTING SHED TO BE REMOVED

GRAVEL AREA TO REMAIN

PROPOSED 90'x90' GRAVEL COMPOUND (8,100 S.F IMPERVIOUS)

JERSEY BARRIERS (TYP.)

LANDS OF ADDISON CAPITAL LLC
 T.M.P #323-A-8
 DB 28176, PG 018
 4.0 ACRES
 ZONED: I-H INDUSTRIAL

EASEMENT LINE (TYP.)

10'47" W 29.62'

N 11'10'47" E 207.88'

PROPOSED PULL BOX

EXISTING IMPAVED

SHED

EXISTING BUILDING

DRIPSCRN

RB

OVERHANG (TYP.)

PAVED AREA TO REMAIN

EDG PAV

TRAILER (TYP.)

EXISTING EDGE OF PAVEMENT

TRAILER

EDG PAV

TRAILER (TYP.)

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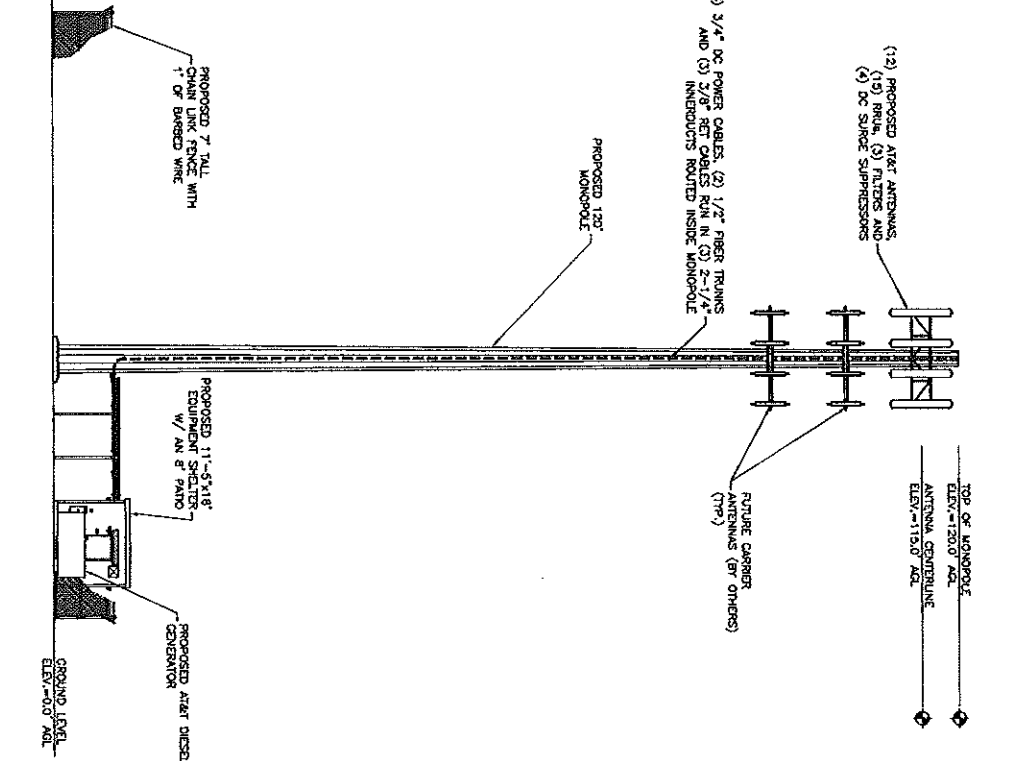
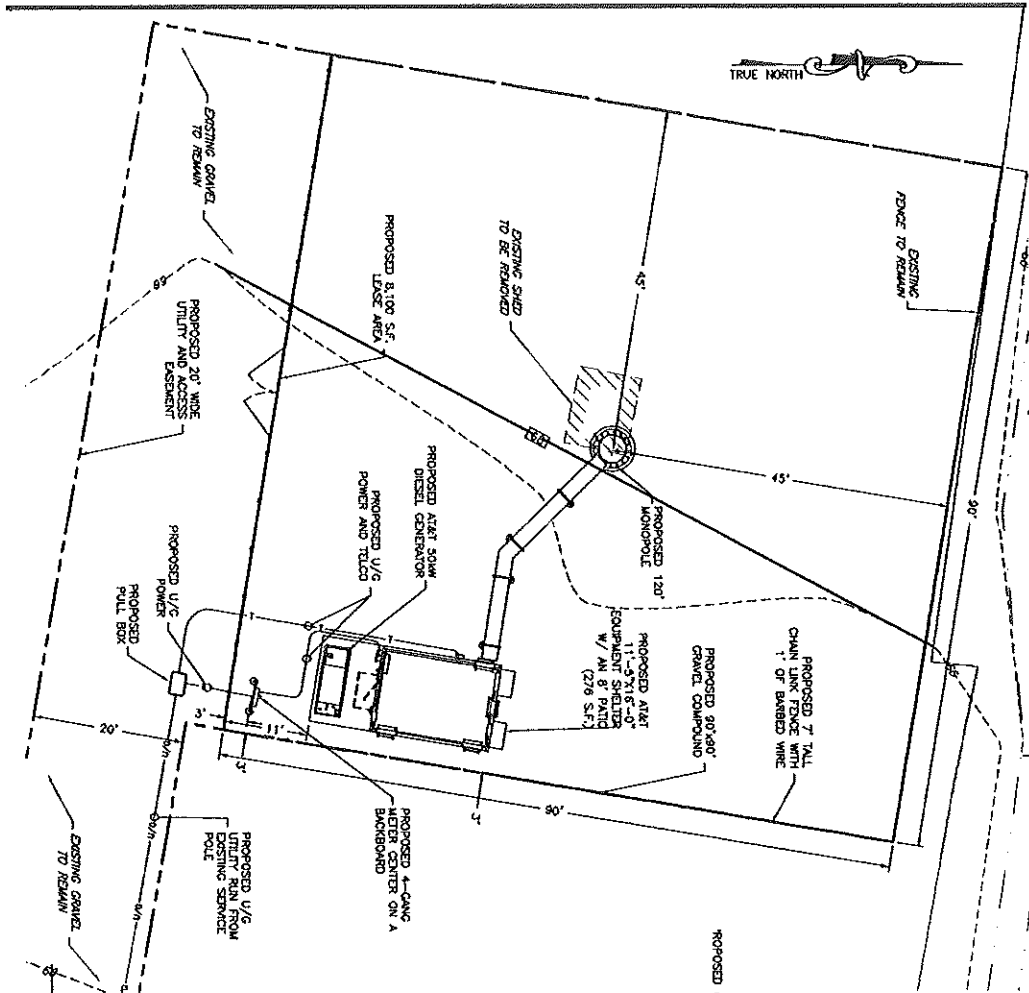
TRAILER (TYP.)

EXISTING EDGE OF PAVEMENT

TRAILER

EXISTING EDGE OF PAVEMENT

EDG PAV



1. THE CONTRACTOR SHALL NOTIFY THE CONSULTING ENGINEER OF ANY CONFLICTS, ERRORS OR OMISSIONS IN THE BID DOCUMENTS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE SECURITY. FROM THE DATE OF SUBMISSION OF BIDS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE OVERALL CONSTRUCTION OF THIS FACILITY.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HOUSTON, TEXAS, AND THE MANUFACTURER'S REPRESENTATIVE.
3. THE CONTRACTOR SHALL VISIT THE PROJECT SITE AT LEAST ONCE DURING THE CONSTRUCTION OF THE FACILITY.
4. THE CONTRACTOR SHALL MAKE A UTILITY OWNER'S LIST AND NOTIFY UNDERGROUND FACILITY ORGANIZATION AT 1 (888) 544-7233 PRIOR TO ANY UNDERGROUND UTILITIES OR STRUCTURES PROJECT AREA. CONTRACTOR MUST LOCATE ALL UTILITIES AND THE OWNER'S REPRESENTATIVE SHALL VERIFY THE LOCATION OF ALL UTILITIES APPROXIMATELY 2 WEEKS PRIOR TO THE START OF CONSTRUCTION.
5. ALL EXCAVATION WITHIN 36" OF OTHER SERVICES SHALL BE COMPLETED BY 14:00 HOURS PRIOR TO THE START OF CONSTRUCTION.
6. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE HOURS OF ACCESS REQUIRED.
7. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE HOURS OF ACCESS REQUIRED.
8. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE HOURS OF ACCESS REQUIRED.
9. THERE ARE NO COMMERCIAL SINKS PROPOSED AT THIS FACILITY.
10. RUBBISH, STUMPS, DEBRIS, STICKS, STONES, AND OTHER DEBRIS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN AN APPROPRIATE MANNER.
11. NO FILL OR OBSTACLES SHALL BE PLACED ON OR NEAR THE FACILITY.
12. THE SURFACE SHALL BE COMPLETED AND UNIFORM GRADE FROM TO FINISHED SURFACE.
13. ALL EXISTING ACTIVE SERVICE WATER, GAS, AND OTHER UTILITIES WHICH ENCOUNTERED IN THE WORK SHALL BE PROTECTED AND MAINTAINED. CAUTION SHOULD BE USED BY THE CONTRACTOR WHEN DRILLING AROUND OR NEAR UTILITIES.
14. ALL EXISTING MACHINE SPINER, WATER, GAS, AND OTHER UTILITIES WHICH INTERFERE WITH THE FACILITY SHALL BE REMOVED AND/OR CAPPED. PIPES SHALL BE REMOVED AND/OR CAPPED. PIPES SHALL BE REMOVED AND/OR CAPPED. PIPES SHALL BE REMOVED AND/OR CAPPED.
15. THE AREAS DISTURBED DUE TO CONSTRUCTION SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
16. CONSTRUCTION SHALL MINIMIZE DISTURBANCE TO ADJACENT PROPERTIES AND NEIGHBORS.
17. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF HOUSTON, TEXAS, AND THE STATE OF TEXAS REGULATIONS FOR EROSION AND SEDIMENT CONTROL.
18. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND NEIGHBORS AT ALL TIMES.
19. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND NEIGHBORS AT ALL TIMES.
20. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND NEIGHBORS AT ALL TIMES.
21. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND NEIGHBORS AT ALL TIMES.
22. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND NEIGHBORS AT ALL TIMES.
23. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND NEIGHBORS AT ALL TIMES.

PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	approximately 174,313 sq. ft.
Proposed Total Disturbed Area of the Site	11,912 sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland	
Impervious Surface Area	
Impervious Area (Total Existing)	158,056 sq. ft.
Impervious Area (Total Proposed)	11,912 sq. ft.
Building Ground Floor Area and Total Floor Area	
Building Footprint (Total Existing)	sq. ft.
Building Footprint (Total Proposed)	sq. ft.
Building Floor Area (Total Existing)	sq. ft.
Building Floor Area (Total Proposed)	276 sq. ft.
Zoning	
Existing	I-H Industrial Zone
Proposed, if applicable	
Land Use	
Existing	Commercial
Proposed	Commercial
Residential, if applicable	
N/A	
# of Residential Units (Total Existing)	
# of Residential Units (Total Proposed)	
# of Lots (Total Proposed)	
# of Affordable Housing Units (Total Proposed)	
Proposed Bedroom Mix	
N/A	
# of Efficiency Units (Total Proposed)	
# of One-Bedroom Units (Total Proposed)	
# of Two-Bedroom Units (Total Proposed)	
# of Three-Bedroom Units (Total Proposed)	
Parking Spaces	
N/A	
# of Parking Spaces (Total Existing)	
# of Parking Spaces (Total Proposed)	
# of Handicapped Spaces (Total Proposed)	
Bicycle Parking Spaces	
N/A	
# of Bicycle Spaces (Total Existing)	
# of Bicycle Spaces (Total Proposed)	
Estimated Cost of Project	\$350,000 to \$500,000.00

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



November 25, 1996

David P. Littell
Pierce Atwood
One Monument Square
Portland, Maine 04101

RE: 188 Warren Avenue

Dear David,

As you know, at its November 21, 1996 meeting, the Board of Appeals voted 4-2 to grant relief from the maximum structure height of 45 feet. A copy of the Board's decision is enclosed for your records.

It is required at this time that you come to this office to apply for site plan review. We are open Monday through Friday from 7:00 a.m. to 4:00 p.m.

If you have any questions regarding this matter please do not hesitate to contact this office.

Sincerely,

Marge Schmuckal
Asst. Chief, Inspection Services Division

cc: Joseph E. Gray, Dir. PUD
P. Samuel Hoffes, C. Insp. Svcs. Div.
Charles A. Lane, Assoc. Corp. Counsel
Nancy Bozenhard (sent via facsimile)



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Nadeen Daniels, City Clerk
FROM: Marge Salimickal, Asst. Chief, Inspection Services Division
SUBJECT: Actions taken by the Board of Appeals on November 21, 1996
DATE: November 22, 1996

The meeting was called to order at 7:00 p.m. All members were present to hear the following appeals:

1. Unfinished Business: None

2. New Business:

Conditional Use Appeal:

27 Coby Avenue, Craig Galarnaut, builder on behalf of owner, the Board voted 7-0 to grant the change of use from a single family dwelling to same with an attached elderly accessory, with the condition that a revised floor plan be submitted for final approval. R-2 Zone

Miscellaneous Appeal:

27th Congress Street, Maine Automobile Placement Service, Inc. on behalf of owner, the Board voted 7-0 to grant relief from the requirement that parking be within 100 feet of the principal building. B-2 Zone

Interpretation Appeal:

1188 Warren Avenue, Spirit Spectrum, Lessee, the Board voted 4-2 to grant relief from the maximum structure height of 45 feet. Matthew D. Mandak was excused from voting due to a conflict of interest. R-2 Zone

**PIERCE
ATWOOD**
ATTORNEYS

November 6, 1996

DAVID P. LITTELL

DIRECT
207.791.1300

E-MAIL
DLittell@
PierceAtwood.com

City of Portland Board of Appeals
City Hall
389 Congress Street
Portland, ME 04101

RE: Sprint Spectrum; Communication Tower

Dear Board Members:

Pursuant to the City of Portland Land Use Ordinance, Sprint Spectrum respectfully requests that you review and consider its interpretation appeal on two issues relating to the construction of a communication tower in the I-2 Industrial District within the City of Portland. This appeal is taken to clarify the interpretation of the Zoning Inspector's office that commercial radio transmission towers are an allowed use in the I-2 zone but that the height limitation of 45 feet applies (which, in effect, prohibits this use). The purpose of this appeal is to determine whether the City's Land Use Code provision limiting height in the I-2 zone should be interpreted to avoid this anomalous result.

As a preliminary matter, in accordance with Maine Bar Rule 3.2(d)(2), we are providing disclosure that Matthew D. Manahan, a member of the Board of Appeals, is an attorney employed at this firm. It is our understanding that Mr. Manahan will not participate in consideration of this matter with the Board.

Sprint Spectrum proposes to construct a 180 foot communication tower located at the property of Mr. Leonard Morin, 188 Warren Avenue (Map 295, Block G, Lot 6). The present use of this property is a commercial towing business. From Sprint Spectrum's perspective, this property is an ideal location because it is located in an industrial zone and the allowed uses in that zone do not indicate any conflicts with the proposed tower.

I. Background on Sprint Spectrum

Sprint Spectrum is working to build a network that will provide nationwide access to Personal Communication Service (PCS). The new system will provide a new range of communication options and a dramatically improved quality of transmission. PCS includes a family of products providing services such as portable phones, pagers, fax transmission, mobile data transmission, and products which combine voice and data services.

One Monument
Square
Portland, Maine
04101-1110

VOICE
207.791.1100

FAX
207.791.1350

E-MAIL
Info@PierceAtwood.com

Section 14-248. An exception for this dimension requirement is provided elsewhere in the Code as follows:

Sec. 14-430. Height Limits.

(a) *Roof Structure.* Roof structures for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, skylights, steeples, roof signs, flag poles, chimneys, smoke stacks, radios or television masts, water tanks, or silos may be erected above the height limitation herein prescribed for buildings.

This section can be read as a straight-forward exception from the height limitations prescribed elsewhere in the Code for a number of structures including "radio or television masts." The grammatical construction of this section does not necessarily lead to the interpretation that it exempts only structures that are located on top of the roofs of buildings. The fact that water towers and silos are among the last three listed exceptions, and are rarely constructed on roofs, supports the reading of a straight-forward exception for these structures.

In addition, the listed structures are evidence of an underlying intent that certain unoccupied, unobtrusive objects are not meant to be encompassed within the Code's height limitations. The fact that these objects may be located on a roof is irrelevant to the intent to exempt these structures.

While the caption of this section is "roof structures," as a general rule such captions in zoning ordinances should not be found to override the language of the specific provision at issue. *See, e.g. Lonzetta v. Hazle*, 374 A.2d 743 (Pa. 1977). A straight-forward grammatical construction of this provision to exempt radio masts, moreover, allows for reconciliation of the anomalous result of radio towers being an allowed use in the I-2 zone but effectively prohibited by the height limitation.

B. Definition of Structure

The tower located on the Morin property will consist of a single monopole, which does not require guy wires or other supporting elements. The height limitation in the I-2 zone applies only to "principal buildings or structures." A "structure" is defined in Section 14-47 of the Code as follows:

Structure: Anything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground.

The monopole as proposed will consist of a single pole located on a fixed location on the ground. Since the definition of "structure" requires construction of more than one member, the monopole would not appear to qualify as a structure governed by the height limitation.

Moreover, the crucial term "member" is not defined in the Code. With no definition provided, this term should be constructed in accordance with common usage and accepted meaning. The use of the term "member" connotes an essential part of the structure, a part of the structure required to fulfill its purpose or function. Since the tower proposed in this case will consist simply of one long monopole, the tower will consist of only one member.

Due to the impracticality of transporting a 180 foot long tower on the highway, the tower is transported to the assembly site in pieces. These pieces are then bound together into one integral monopole 180 feet in length. The fact that it is transported to the site in pieces does not detract from the fact that the monopole structure is one integral member. Rather, it reflects the infeasibility of transporting such a long tower on the highway and streets to the site.

The monopole does not require any guywires or other support. It is free-standing and relies on its own integral strength for support. For these reasons, we believe that the monopole should not be classified as structure governed by the 45 foot height limit in the I-2 District.

C. Telecommunications Act of 1996

Reading Section 14-430's exception to permit free-standing communication towers would be consistent with the provisions of the Federal Communications Act of 1996 ("the Act"), signed into law by President Clinton on February 8, 1996. This Act is intended by Congress to provide a framework to increase competition among telecommunications providers. The Act also contains provisions designed to ensure that state and local governments do not prohibit the provision of wireless telecommunications services and indirectly restrict competition.

Section 704(a) of the Act provides that state or local governments which regulate the placement and construction of personal wireless provides "(I) shall not unreasonably discriminate among providers of functionally equivalent services, and (II) shall not prohibit or have the effect of prohibiting, the provisions of wireless services." 42 U.S.C. § 332(c)(7)(B)(I). The federal Act preempts state and local laws insofar as state and local laws are contrary to its provisions.¹

Sprint Spectrum believes that the preemption provisions of the Federal Act require that the Board of Appeals interpret the height limit for the I-2 District as explained above, so that it does not apply to the proposed tower here. *See, e.g., BellSouth Mobility Inc., et al. v. Gwinnett County, Georgia*, 1996 U.S. Dist. Lexis (U.S. N. Dist, GA, Aug. 13, 1996) (U.S. District Court issued order compelling permit issuance following decision to deny telecommunications tower approval).

Submitted along with our application are additional materials describing the Sprint Spectrum PCS system, and a copy of the site and plot plans for the proposed site.

¹ In addition to the Telecommunications Act, other Federal statutes preempt local and State governments from regulating the entry of commercial mobile services into the local market. *See* 47 U.S.C. § 332.



CITY OF PORTLAND

INTERPRETATION APPEAL

DECISION

Applicant's name and address: Sprint Spectrum, lessee 188 Warren
Avenue

Applicant's interest in property (e.g. owner, purchaser, etc.): lessee

Owner's name and address if different _____

Address of property: 188 Warren Ave

For the Record

Names of witnesses (proponents, opponents and others):

<u>Nony Bozenhart</u>	<u>Vincent Davido</u>
<u>David Littel</u>	_____
<u>Bill Hastings</u>	_____

Exhibits admitted (e.g., renderings, reports, etc.):

Findings of Fact

1. The board finds as fact that: _____

2. The finding(s) of fact above-stated is(are) based on the following reasons: _____

Motion:

That the we approve the interpretation appeal brought by Sport Spectrum for the property located at 188 Wasson Avenue to interpret the code means that such that a manhole is not a structure as presented in the 2nd zone in the application as presented

Determinations

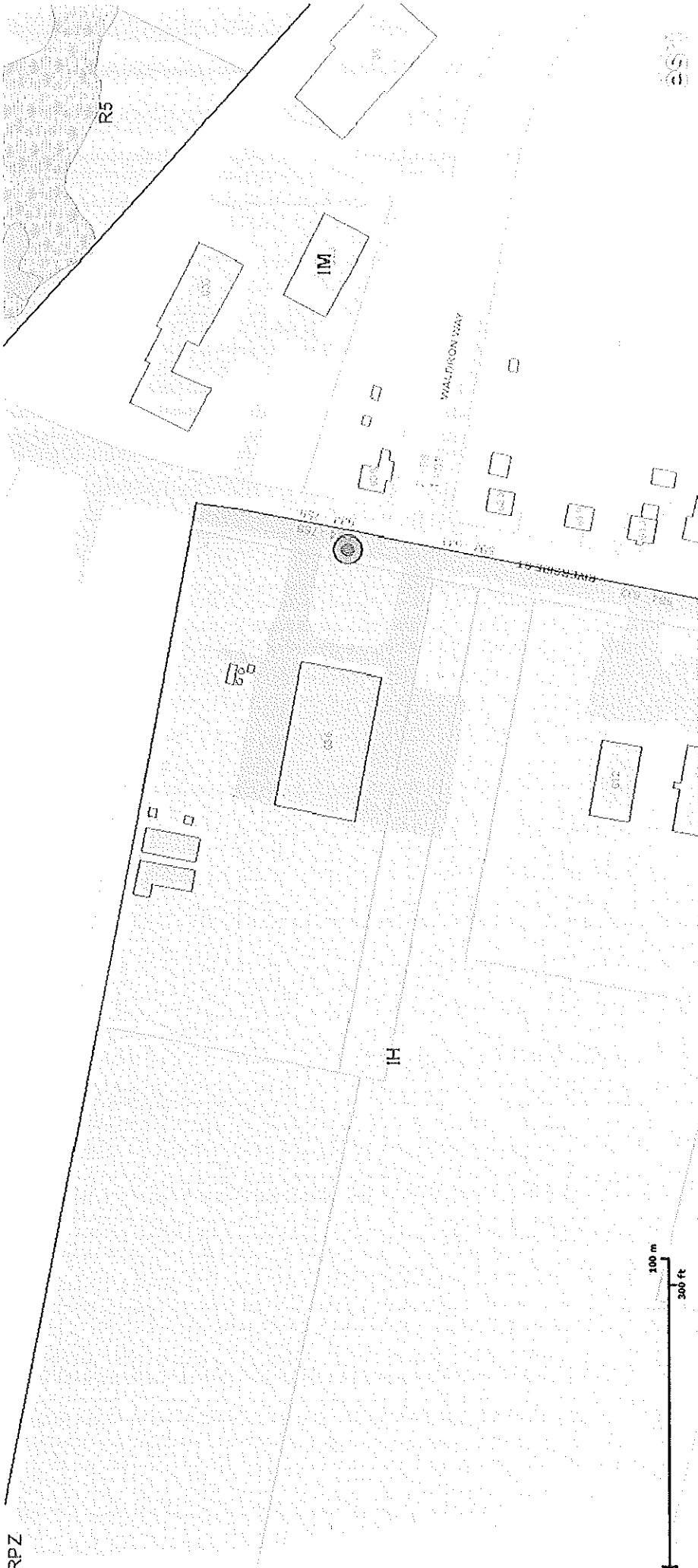
4-2

The Board determines that: _____

Dated: Nov. 21, 1996

Elyah J. Burley
Secretary of the Board

636 Riverside St



Copyright 2011 Esri. All rights reserved. Fri May 2 2014 01:07:21 PM.

Marge Schmuckal - 636 Riverside St - I-H Zone (part of the City Subdivision a few years ago)

From: Marge Schmuckal
To: ALEX JAEGERMAN; Barbara Barhydt ; Jeff Levine; Rick Knowland
Date: 8/22/2013 4:24 PM
Subject: 636 Riverside St - I-H Zone (part of the City Subdivision a few years ago)
CC: Desiree Kelly

Hi All,

I just wanted to give a heads up on a potential new project for a new cellular monopole (about 150') to be erected on property (636 Riverside Street) that still houses Lucas Tree. I believe it is part of the City subdivision and that there may be requirements of the subdivision that are triggered with new development. Attorney Barry Hobbins (and State Legislator) is the point person for this project. I have suggested that he contact Desiree to set up one of the Wednesday meetings for all of us to be further introduced to the project.

The property is located in an I-H zone. Although communication towers are not specifically listed in the I-H zone, I am believing that such a use can be allowed under the "Low-impact Industrial use" category. The height issue for a monopole was previously heard before the ZBA in 1996. The ZBA ruled that a "monopole" was not a "structure" and was not limited to the height requirement for the underlying zone. There is also evidence under section 14-430(a) that can allow such a use to be higher than the underlying zone requirement.

At least that is my first quick read on this issue.

Marge

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#)
[Home](#)
[Departments](#)
[City Council](#)
[E-Services](#)
[Calendar](#)
[Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

<p>Services</p> <p>Applications</p> <p>Doing Business</p> <p>Maps</p> <p>Tax Relief</p> <p>Tax Roll</p> <p>Q & A</p>	<p>CBL 322 A008001</p> <p>Land Use Type MULTI-USE COMMERCIAL</p> <p>Verify legal use with Inspections Division</p> <p>Property Location 636 RIVERSIDE ST</p> <p>Owner Information ADDISON CAPITAL LLC 2 SHADY LN FALMOUTH ME 04105</p> <p>Book and Page 28176/018</p> <p>Legal Description 322-A-8 323-A-8 RIVERSIDE ST 628-652 LOT 3 174240 SF</p> <p>Acres 4</p>
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Current Assessed Valuation:

<p>browse city services a-z</p> <p>browse facts and links a-z</p>	<p>TAX ACCT NO. 51148 OWNER OF RECORD AS OF APRIL 2013 ADDISON CAPITAL LLC</p> <p>LAND VALUE \$428,900.00</p> <p>BUILDING VALUE \$507,800.00</p> <p>NET TAXABLE - REAL ESTATE \$936,700.00</p> <p>TAX AMOUNT \$18,181.36</p>
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Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Best viewed at 800x600, with Internet Explorer

	Building 1
Year Built	1971
Style/Structure Type	WAREHOUSE
# Units	1
Building Num/Name	1 - LUCAS TREE EXPERT
Square Feet	16960

[View Sketch](#)
[View Map](#)
[View Picture](#)



Exterior/Interior Information:

	Building 1
Levels	01/01
Size	8000
Use	WAREHOUSE
Height	16
Walls	BRICK/STONE
Heating	UNIT HEAT
A/C	NONE

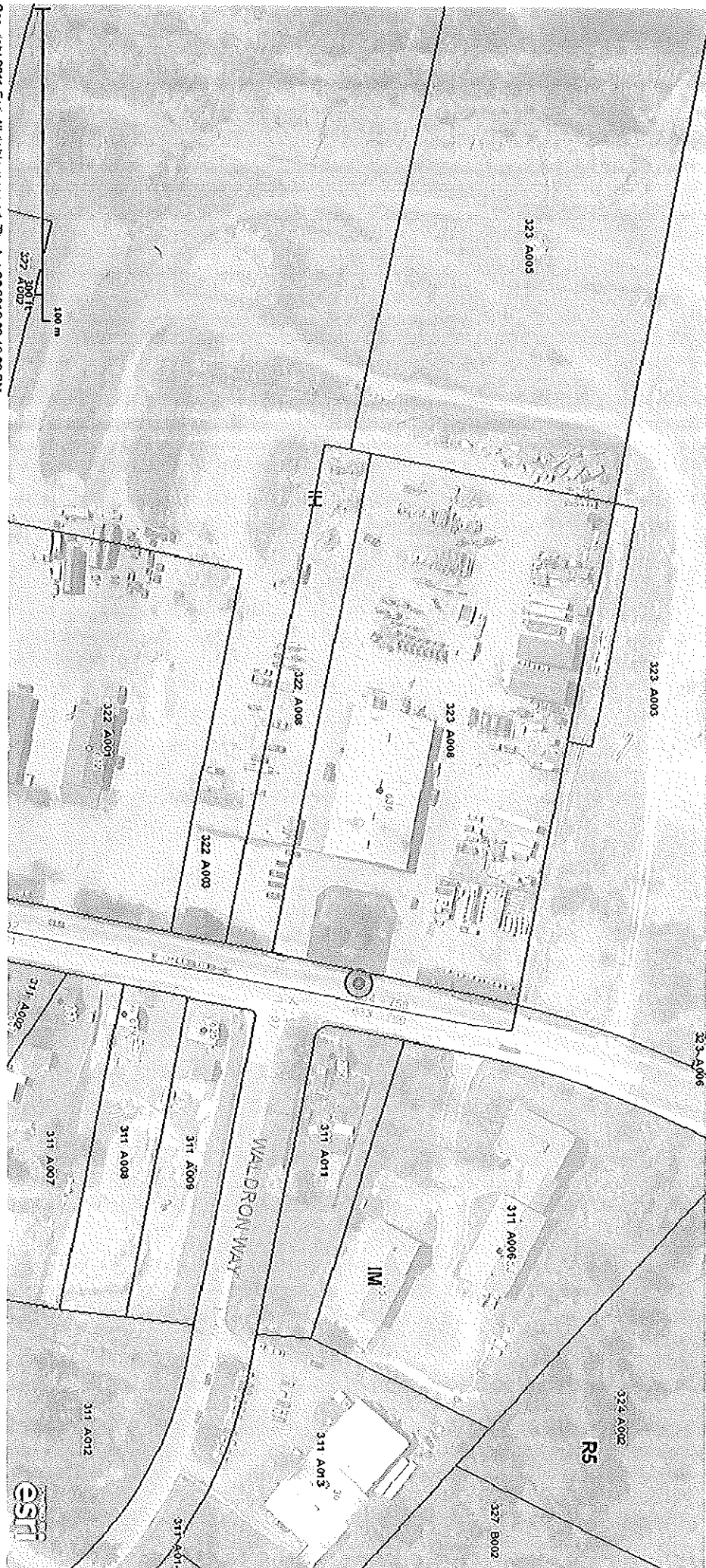
	Building 1
Levels	01/01
Size	2240
Use	AUTO PARTS/SERVICE
Height	16
Walls	BRICK/STONE
Heating	UNIT HEAT
A/C	NONE

	Building 1
Levels	01/01
Size	1920
Use	MULTI-USE OFFICE
Height	12
Walls	BRICK/STONE
Heating	HOT AIR

636 Riverside St

156

I-H Zone



LOCATION & HEIGHT OF COMMUNICATION TOWERS

189 R. PRESUMPCOT ST: Issued in 1984 and renewed in 1985 - 440' tower

220 RIVERSIDE INDUSTRIAL PKWY: 5/87 Issued a permit for Dorler Communications, 275'.

WLOB RADIO - 779 WARREN AVE: Put up in the 1960's, under 200' tall

WGME - 1335 WASHINGTON AVE: 230' tall, put up in spring 1977. WTHT & WABI lease space on tower (Brian Dyer).

WHOM - 583 WARREN AVE:(across from Home Depot) about 175' in height installed in the 1950's (Tim Moore)

WPOR - 15 BAXTER BLVD: About 210' high. The tower was relocated in about 1981 to the present location (previously was 300' away for many years). (Chuck Bullett)

WMTW - NEWS 8 - 475 CONGRESS ST.: unable to obtain information

WPXT - FOX 51 -2320 CONGRESS ST.: Installed in 1986 and is 100' in height. Signals are transmitted to their main tower 600' in height located in Gray. (Roy Willette)

188 Warren AVE Appeal on height / monopole
11/21/96 DAVID WITALL
ZBA DATE appeal

12/2/96

A-430 (a) *Roof structure.* Roof structures for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, skylights, steeples, roof signs, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitation herein prescribed for buildings. Roof-mounted wind energy systems shall not be considered to be roof structures for the purposes of Article X, Alternative Energy.

(b) *Public art.* Except in residential zones, public art that has been individually accepted by the city council for inclusion within the public art collection, pursuant to Article XI, Public Art Program of the Land Use Code, (Section 14-852(c)), shall not be subject to the height limitations for buildings within the underlying zone.

(c) *Temporary wind anemometer towers.* Temporary wind anemometer towers may be erected above the height limitation for buildings within the underlying zone, subject to receiving Board of Appeals approval and FAA approval, if necessary.

(d) *Wind energy systems.* Wind energy systems may be erected above the height limitation for principal buildings within the underlying zone, pursuant to Article X, Alternative Energy.

(Code 1968, § 602.19.I; Ord. No. 428-83, § 1, 4-25-83; Ord. No. 36-89, § 3, 6-28-89; Ord. No. 96-08/09, 11-17-08; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 33-11/12, 1-18-12)

Sec. 14-431. Yards.

The height in stories or feet of that part of the principal building adjoining a yard shall be used in determining the required width or depth of that yard, but in no case shall any higher part of the building be closer to the property line than width or depth of yard required for that height. In case an addition is to be made to a building which existed on June 5, 1957, the side yard spaces of which complied with the ordinance in effect on that date, the aggregate side yards may be the same as required on that date, provided the yard on the side where the addition is intended would comply with the minimum width required by the present ordinance. Yards as prescribed for residential uses shall be required for an apartment house or hotel erected above the ground floor of a building where the ground floor is designed exclusively for business purposes.

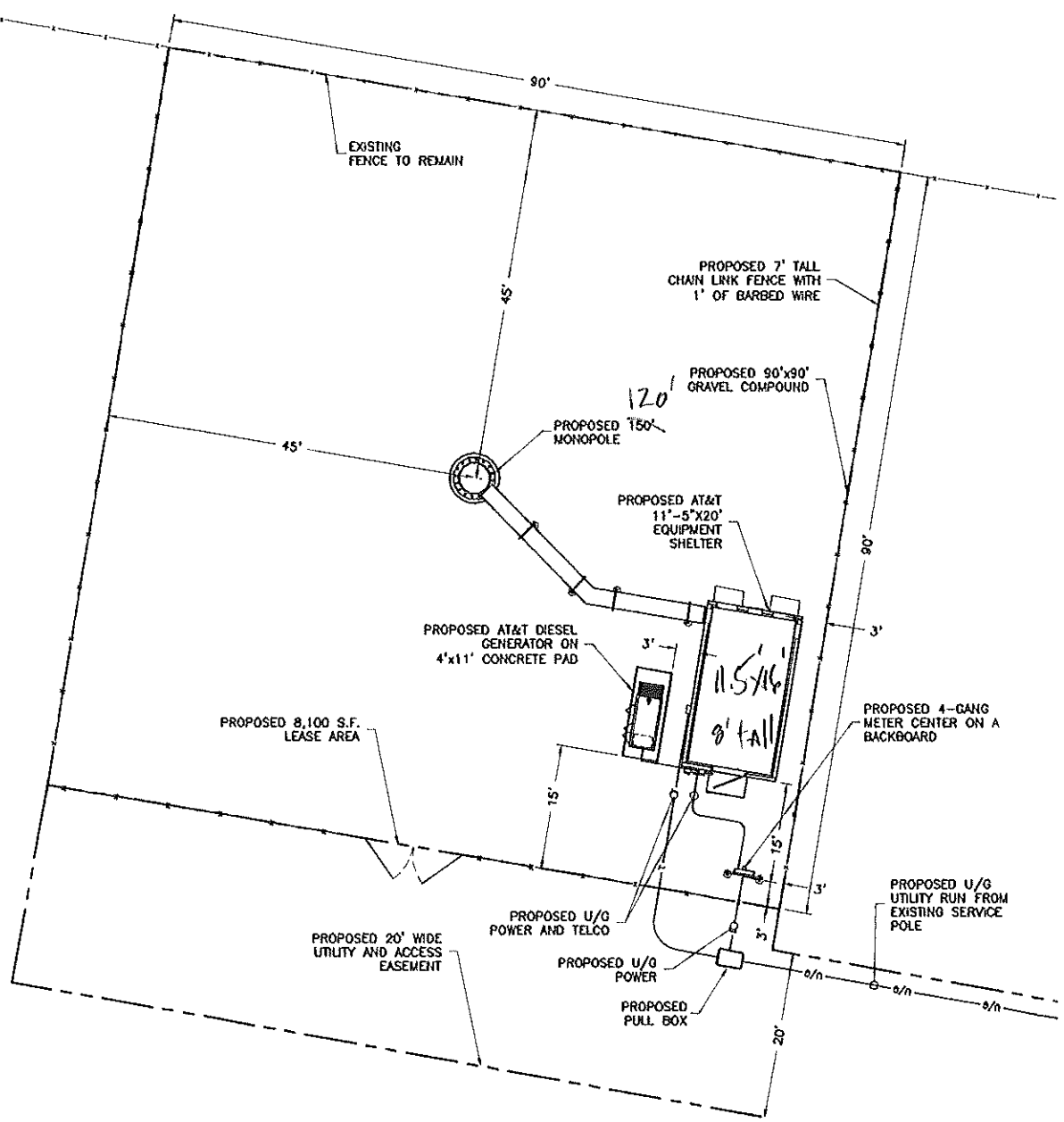


Memorandum
 Department of Planning and Urban Development
 Pre-Application Meeting Request

To request a pre-application meeting please fill out the form below with as much detail as possible. Return the form along with any electronic drawings or supporting documentation via e-mail to Desiree Kelly, dmk@portlandmaine.gov. Two 30 minute meetings will be scheduled each Wednesday from 12:00-1:00 p.m. in Room 209, 2nd Floor of City Hall. These meetings are by appointment only and can be scheduled by Desiree Kelly at the e-mail address above or by telephone 207-874-8720.

Contact Information	
Name:	Barry J. Hobbins
E-Mail Address:	bhobbins@hobbinslaw.com
Phone:	(207) 282-5985
Proposed Project Information	
Chart, Block, Lot (s)	322 A008001 <i>I-H use?</i>
Address	636 Riverside St., Portland
Current Use	Multi-Use Commercial
Proposed Use	telecommunications facility
Lot Size	<i>Easement</i> 90 ft by 90 ft <i>120' height</i>
New Building or Addition Sq. Ft.	equipment shelter 230 sq.ft. (11' 5" by 20'), <i>16'</i>
New impervious surface area	less than 500 sq ft
Brief description of proposed project: Installation of a telecommunications facility within a 90 ft by 90 ft compound area surrounded by a 6ft high chain link fence. Within the compound will be an 11' 5" by 20' equipment shelter on a concrete pad; a 50KW diesel generator on a 4' by 11' concrete pad; and a 150' monopole tower.	

will need a survey -
Administrative Authorization *120' considered a utility*
Subdivision piece still in question
final sign-off by Structural Engineer
New Commercial Structure for the monopole



COMPOUND PLAN

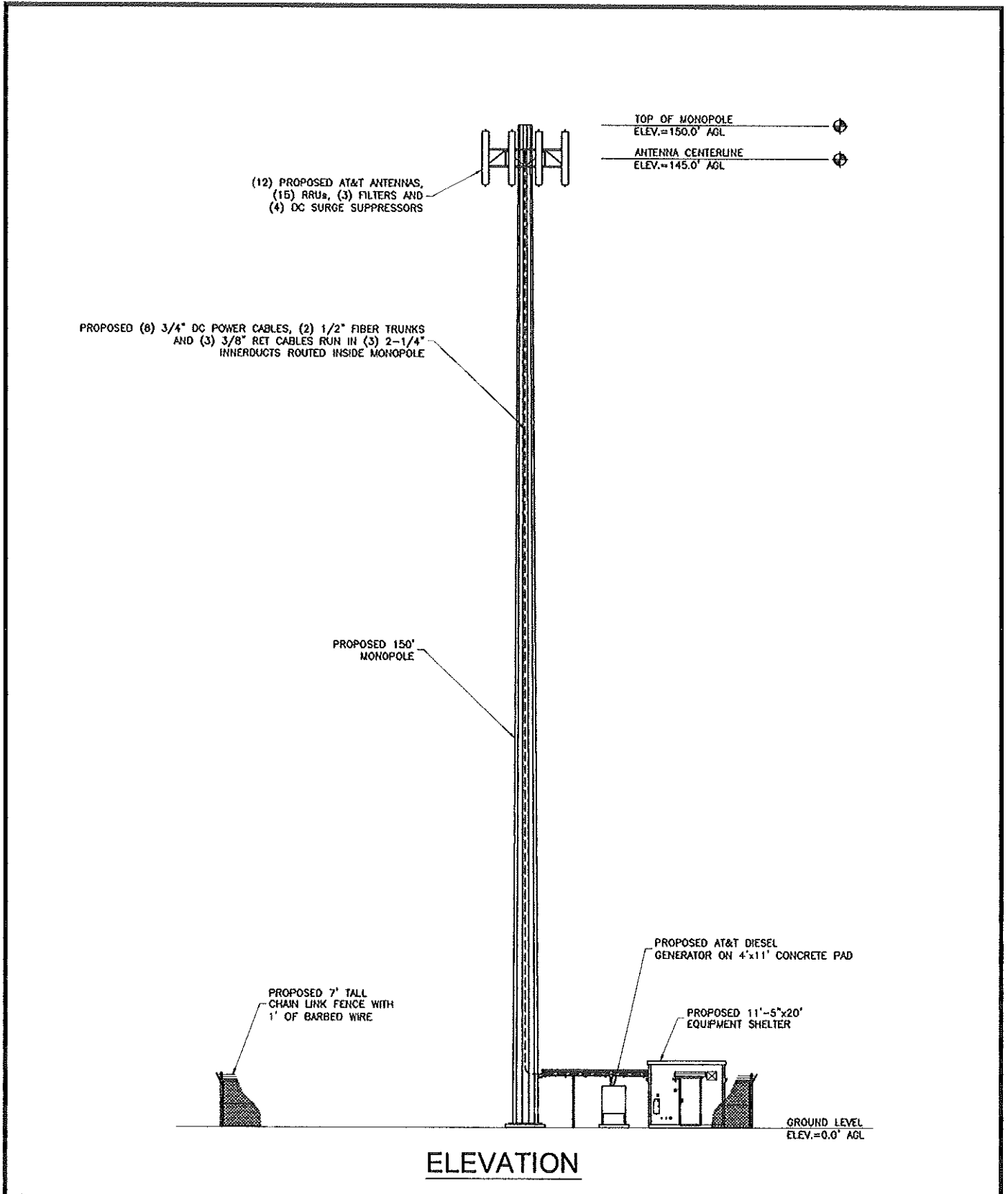
**NB&C
ENGINEERING
SERVICES, LLC.**
177 GENTRY PARKWAY WEST
DUBLIN, VA 22024
BLUE BEEL, VA 19022
(541) 460-0122

FA# 12934660
LUCAS TREE
636 RIVERSIDE STREET
PORTLAND, ME 04103
CUMBERLAND COUNTY


SUBMITTALS	
PRELIMINARY	09/25/13
SHEET 1 OF 2	

at&t
mobility corp.
5441 BRIDGE STREET
EAST SYRACUSE, NY 13227

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ELEVATION




**NB&C
ENGINEERING
SERVICES, LLC.**
1777 SENTINEL PARKWAY WEST
DUBLIN, PA 15022
ELLIE BELL, PA 15022
(67) 493-0922

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SHEET 2 OF 2	



at&t
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5211 BRIDGE STREET
EAST SYRACUSE, NY 13227

Assessor's Office | 359 Congress Street | Portland, Maine 04101 | Room 115 | (207) 871-8486

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services	CBL	322 A008001
	Land Use Type	MULTI-USE COMMERCIAL
Applications	Verify legal use with Inspections Division	
Doing Business	Property Location	636 RIVERSIDE ST
	Owner Information	ADDISON CAPITAL LLC 2 SHADY LN FALMOUTH ME 04105
Maps	Book and Page	28176/018
Tax Relief	Legal Description	322-A-8 323-A-8 RIVERSIDE ST 628-652 LOT 3 174240 SF
Tax Roll	Acres	4
Q & A		

I-A

Current Assessed Valuation:

browse city services a-z	TAX ACCT NO.	51148	OWNER OF RECORD AS OF APRIL 2013 ADDISON CAPITAL LLC
	LAND VALUE	\$428,900.00	
	BUILDING VALUE	\$507,800.00	2 SHADY LN FALMOUTH ME 04105
browse facts and links a-z	NET TAXABLE - REAL ESTATE	\$936,700.00	
	TAX AMOUNT	\$18,181.36	



Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Best viewed at 800x600, with Internet Explorer

	Building 1
Year Built	1971
Style/Structure Type	WAREHOUSE
# Units	1
Building Num/Name	1 - LUCAS TREE EXPERT
Square Feet	16960

[View Sketch](#) [View Map](#) [View Picture](#)



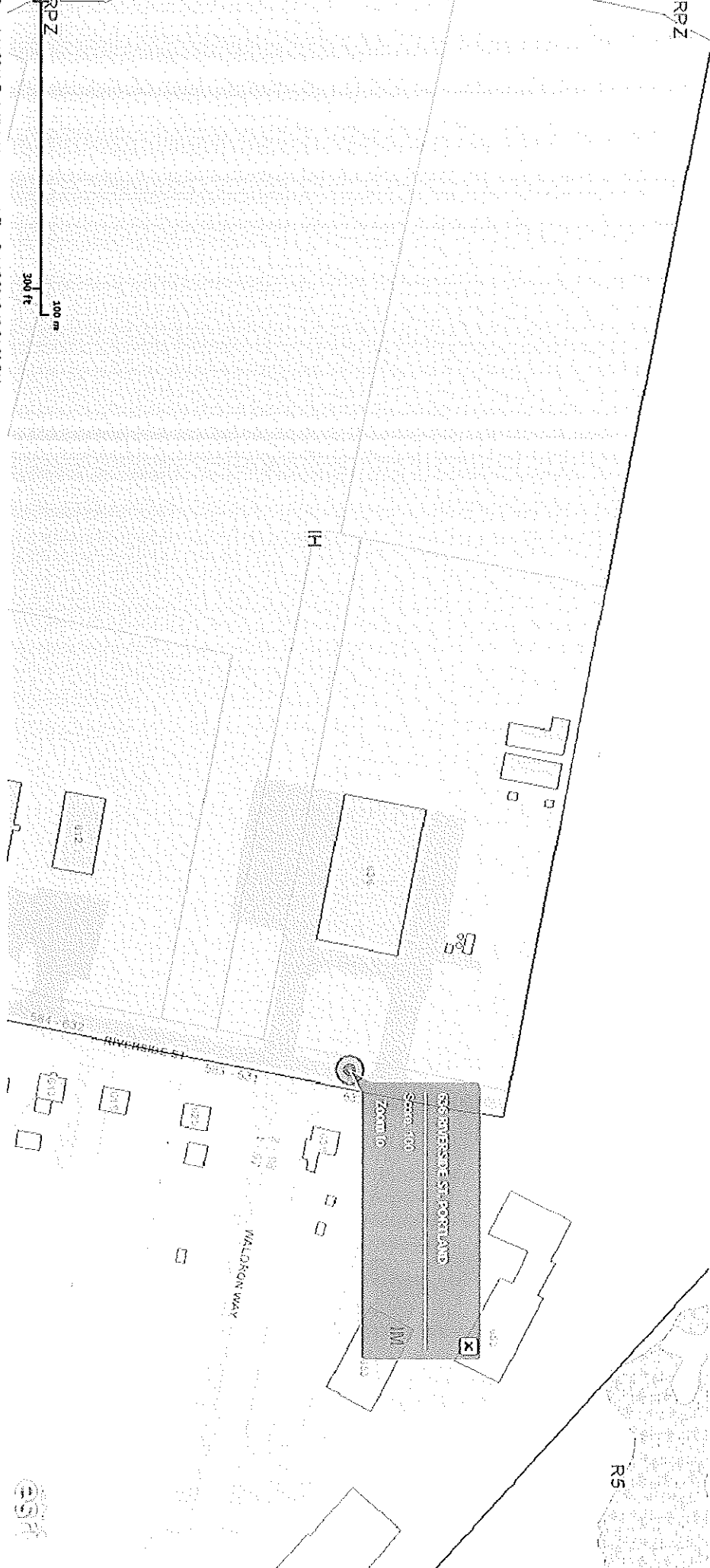
Exterior/Interior Information:

	Building 1
Levels	01/01
Size	8000
Use	WAREHOUSE
Height	16
Walls	BRICK/STONE
Heating	UNIT HEAT
A/C	NONE

	Building 1
Levels	01/01
Size	2240
Use	AUTO PARTS/SERVICE
Height	16
Walls	BRICK/STONE
Heating	UNIT HEAT
A/C	NONE

	Building 1
Levels	01/01
Size	1920
Use	MULTI-USE OFFICE
Height	12
Walls	BRICK/STONE
Heating	HOT AIR

636 Riverside St



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*Editor's note—Ord. No. 164-97, § 8, passed Jan. 6, 1997, repealed div. 15, §§ 14-261-14-266 of this article and enacted new provisions as herein set out. Formerly, such provisions pertained to the I-3 and I-3b industrial zones and derived from §§ 602.13.A-602.13.F of the 1968 Code as amended by Ord. No. 499-74, § 5, adopted Aug. 19, 1974; Ord. No. 334-76, §§ 4-6, adopted Jul. 7, 1976; Ord. No. 198-88, adopted Nov. 21, 1988; Ord. No. 201-88, adopted Nov. 21, 1988; Ord. No. 330-90, § 3, adopted May 7, 1990; Ord. No. 15-92, § 19, adopted Jun. 15, 1992; and Ord. No. 193A-93, §§ 3, 4, adopted Feb. 17, 1993.

Sec. 14-261. Purpose.

The high impact industrial zones are intended to provide areas suitable for higher impact industrial uses than are permitted in other industrial zones and other uses including hospital campuses that are capable of demonstrating, through design, layout and topography, their compatibility with, or non-intrusion on, existing or future higher impact industrial uses on adjacent or neighboring I-H zoned properties.

Due to the intensity of use, the I-H zones are intended for uses which may require extensive outdoor storage and usage and may utilize heavy equipment. Processes may require separation from residential or sensitive environmental areas. The I-H zones are separated from other nonindustrial uses as well as natural or constructed features.

High impact industrial uses will be of a higher intensity, with a greater lot coverage, than the other zones. Due to the intensity of uses, the performance standards will allow for the higher intensity of use.

(Ord. No. 164-97, § 8, 1-6-97; Ord. No. 106-01/02, § 1, 12-3-01)

Sec. 14-262. Permitted uses.

The following uses are permitted whether provided by private or public entities in the high impact industrial zone and the I-Hb zone:

- (a) Low impact industrial uses, including but not limited to bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, musical instruments, precision instruments, watchmakers, toys and sporting goods, wood products, jewelry, assembly of electrical components, tool and die shops and the packaging of food.
- (b) Research and development.

- (c) Wholesale trade.
- (d) Warehousing and distribution facilities.
- (e) Intermodal transportation facilities and transportation terminals.
- (f) Repair services, including all types of automotive repair services.
- (g) High impact industrial uses.
- (h) Building contractors and construction services.
- (i) Plant and tree nurseries, including associated recycling activities.
- (j) Lumber yards.
- (k) Fish waste processing facility, provided that it has received all required licenses and is in compliance with all applicable licensing requirements.
- (l) Commercial kitchens or other food preparation, provided that the food is not prepared for service on the premises.
- (m) Recycling facilities.
- (n) Food and seafood processing.
- (o) Dairies.
- (p) Municipal or regional solid waste disposal facilities, provided that all disposal activities are carried out within an enclosed structure.
- (q) Utility substations.
- (r) Correctional prerelease facilities for up to twelve (12) persons, plus staff, serving a primary clientele of parolees or persons in correctional prerelease programs, provided that:

1. No correctional prerelease facility shall be located within one thousand (1,000) feet of another, as measured in a radius from the center of the lot;
 2. Such facilities shall not be permitted in the I-Hb zone;
 3. If a facility requires a state or federal license, staffing of the facility shall be as required by such license. If a facility does not require state or federal licenses, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof; and
 4. The facility shall provide twenty-four-hour supervision of program participants.
- (s) Storage lots for towed or impounded vehicles.
- (t) Registered medical marijuana cultivation facilities.
- (u) wind energy systems, as defined and allowed in Article X, Alternative Energy.

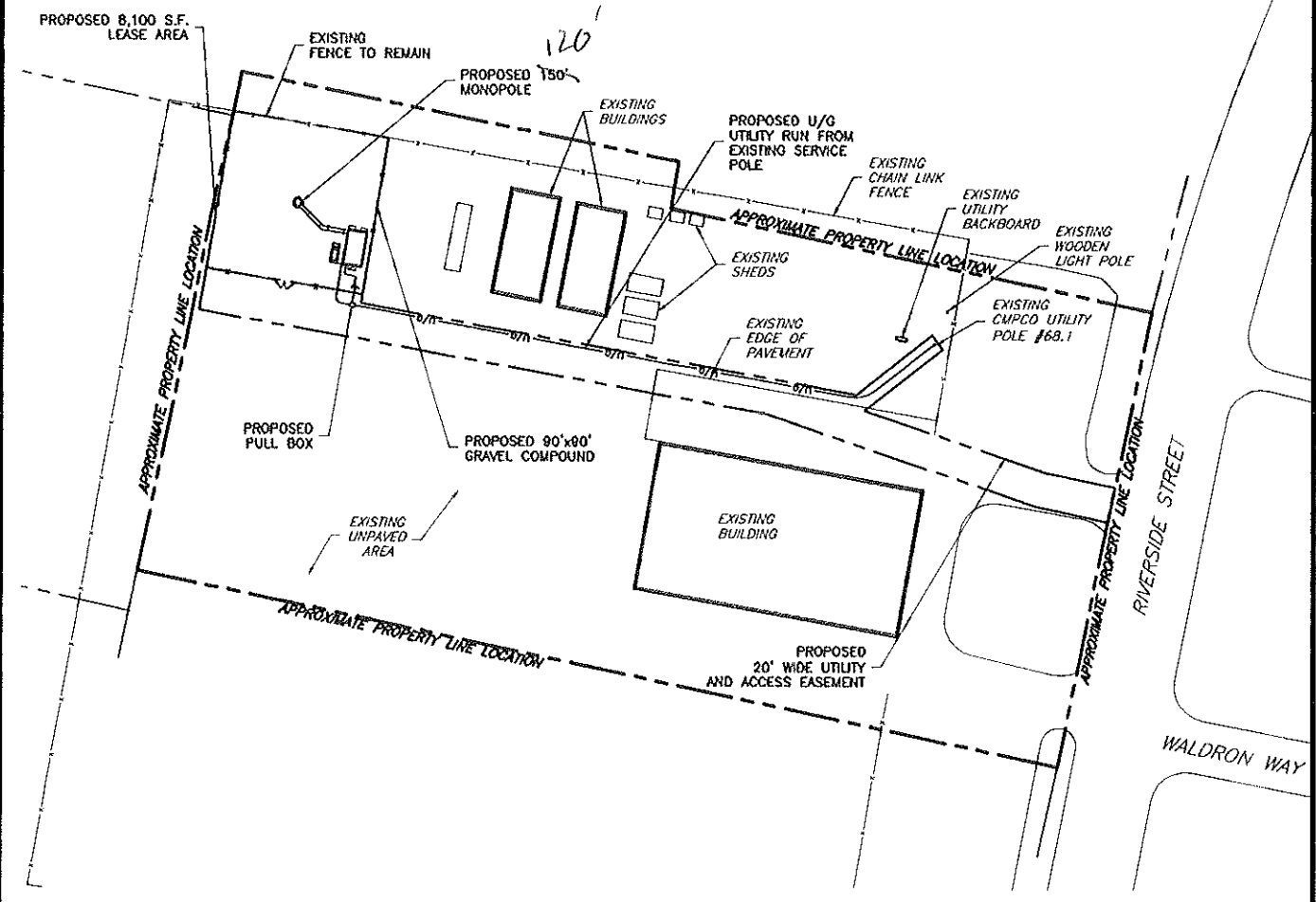
(v) Street vendors licensed pursuant to Chapter 19.

(Ord. No. 164-97, § 8, 1-6-97; Ord. No. 137-97, § 5, 11-3-97; Ord. No. 97-06/07, 11-20-06; Ord. No. 283-09/10, 7-19-10 emergency passage; Ord. No. 33-11/12, 1-18-12; Ord.No. 10-12/13, 7-16-12)

Sec. 14-262.1. Conditional uses.

The following use shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses), and any special provisions, standards or requirements specified below:

- (a) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of



SITE PLAN

NB&C ENGINEERING SERVICES, LLC.
 1772 BENTLEY PASADAY WEST
 BLUE BELL, PA 19062
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FA# 12934660
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 PORTLAND, ME 04103
 CUMBERLAND COUNTY

SUBMITTALS	
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 6811 BRIDGE STREET
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